

REMARKS

Claims 1-4, 29, 32 and 44-48 are currently pending. Claims 5-28, 30-31 and 33-43 have been canceled without prejudice or disclaimer, as being drawn to non-elected inventions. Claims 1 and 2 have been amended and new claims 44-48 have been added. Support for the amendment to claims 1 and 2 can be found in claims 1 and 2 as originally filed. Support for new claims 44-48 can be found at, *e.g.*, page 2, lines 14-19. No new matter has been added by these amendments.

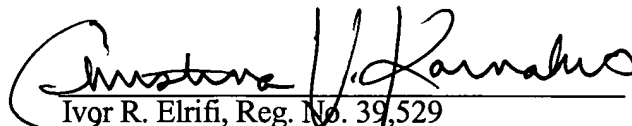
Applicants submit that new claims 44-48 are within the elected group. In light of *In Re Ochiai* and *In Re Brouwer* (Official Gazette, March 26, 1996 which establishes guidelines for treatment of product and process claims), such claims permit joinder of claims relating to the making of a novel product or the use of a novel composition with the method of making the product or using the composition. In the present case, the new claims use the novel nucleic acids of the invention with new claims 44-48 in a method of making the novel polypeptides of the invention.

CONCLUSION

Applicants respectfully submit that the present application claims a single invention which could not be properly further restricted. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

November 8, 2002



Ivor R. Elrifi, Reg. No. 39,529
Christina V. Karnakis, Reg. No. 45,899
Attorneys for Applicants
c/o MINTZ, LEVIN
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241

Version Marked to Show Amendments

In the claims:

1. (Amended) An isolated polypeptide comprising an amino acid sequence selected from the group consisting of:

- a) a mature form of the amino acid sequence [selected from the group consisting] of SEQ ID NO: [2, 4, 6, 8, 10, 12 or]14;
- b) a variant of a mature form of the amino acid sequence [selected from the group consisting] of SEQ ID NO: [2, 4, 6, 8, 10, 12 or] 14, wherein any amino acid in the mature form is changed to a different amino acid, provided that no more than 15% of the amino acid residues in the sequence of the mature form are so changed;
- c) the amino acid sequence [selected from the group consisting] of SEQ ID NO: [2, 4, 6, 8, 10, 12 or]14;
- d) a variant of the amino acid sequence [selected from the group consisting] of SEQ ID NO: [2, 4, 6, 8, 10, 12 or] 14 wherein any amino acid specified in the chosen sequence is changed to a different amino acid, provided that no more than 15% of the amino acid residues in the sequence are so changed; and
- e) a fragment of any of a) through d).

2. (Amended) The polypeptide of claim 1 that is a naturally occurring allelic variant of the sequence [selected from the group consisting] of SEQ ID NO: [2, 4, 6, 8, 10, 12 or] 14.

5-28. (Cancelled).

30-31. (Cancelled).

33-43. (Cancelled).

44. (New) A method of producing the polypeptide of claim 1, the method comprising

culturing a cell under conditions that lead to expression of the polypeptide, wherein said cell comprises a vector comprising an isolated nucleic acid comprising the nucleic acid sequence of SEQ ID NO:13.

- 45. (New) The method of claim 44 wherein the cell is a bacterial cell.
- 46. (New) The method of claim 44 wherein the cell is an insect cell.
- 47. (New) The method of claim 44 wherein the cell is a yeast cell.
- 48. (New) The method of claim 44 wherein the cell is a mammalian cell.

TRA 1730431v1